

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 2-5, 8-15, 17-21, 23-29, 32 and 37-39 are currently pending. New claims 37-39 are hereby added. Claims 8, 17, 23 and 32 are independent and hereby amended. No new matter has been added. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

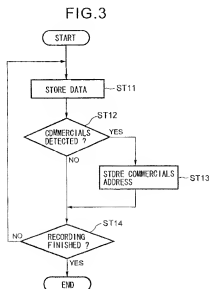
### **II. SUPPORT FOR AMENDMENT IN SPECIFICATION**

Support for this amendment is provided throughout the Specification as originally filed and specifically at paragraphs [0068]-[0069] and Fig. 3 of Applicants' corresponding published application. By way of example and not limitation:

[0068] Step ST13

[0069] When it is detected at step ST12 that the broadcast data contains commercial portions, information for specifying the areas where the commercial portions are stores in the storage

**unit 3 (storage unit 13 in FIG. 2) is stored in a not illustrated storage unit.**



### III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 8, 3, 4, 9-13, 15, 17, 19, 21, 23-27 and 29 were rejected under 35 U.S.C. §103 as allegedly unpatentable over U.S. Patent No. 7,013,477 to Nakamura et al. (hereinafter, merely “Nakamura”) in view of U.S. Patent No. 6,973,669 to Daniels (hereinafter, merely “Daniels”) in view of U.S. Patent No. 5,027,400 to Baji et al. (hereinafter, merely “Baji”) in view of U.S. Patent Application Publication No. 2002/0166120 of Boylan III et al. (hereinafter, merely “Boylan”) in view of U.S. Patent No. 6,496,857 to Dustin et al. (hereinafter, merely “Dustin”) in view of U.S. Patent No. 6,993,245 to Harville (hereinafter, merely “Harville”).

Claims 2 and 18 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura in view of Daniels in view of Baji in view of Boylan in view of Dustin in view of Harville and further in view of U.S. Patent Application Publication No. 2002/0019769 of Barritz et al. (hereinafter, merely “Barritz”).

Claims 5, 14, 20, and 28 were rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura in view of Daniels in view of Baji in view of Boylan in view of Dustin in view of Harville and further in view of U.S. Pat. Application Publication No. 2003/0192060 of Levy (hereinafter, merely "Levy").

Claim 32 was rejected under 35 U.S.C. §103 as allegedly unpatentable over Nakamura in view of Baji in view of Boylan in view of Dustin in view of Harville .

Claim 8 recites, *inter alia*:

**... wherein when the commercial broadcast information is detected from the broadcast information, a storage address of the commercial broadcast information in the storing means is stored.** (Emphasis added)

Applicants submit that neither Nakamura nor Daniels nor Baji nor Boylan nor Dustin nor Harville, taken alone or in combination, would disclose, suggest or render predictable the above-identified features of claim 8. Specifically, none of the references used as a basis for rejection discloses or renders predictable **"wherein when the commercial broadcast information is detected from the broadcast information, a storage address of the commercial broadcast information in the storing means is stored,"** as recited in claim 8.

Specifically, the Office Action (see pages 3-4) asserts that Nakamura teaches a commercial detecting means for detecting the commercial broadcast information from said received broadcast information based on predetermined identification information contained in said received broadcast information, and refers to Nakamura, col. 12, lines 17-35, which are reproduced as follows:

*Nakamura, col. 12, lines 17-35:*

The receiver 20 is equipped with a buffer disk 21, a highlight scene analyzing unit 22, a CM start sensing unit 23, a CM end sensing unit 24, a highlight index storage unit 25, a CM index storage unit 26, a reproducing management unit 27, and a switch 28. The highlight scene analyzing unit 22 (will be referred to as an "analyzing unit 22" hereinafter) corresponds to a highlight scene detecting unit. The CM start sensing unit 23 corresponds to a CM detecting unit, and a CM start detecting unit. The CM end sensing unit 24 corresponds to a CM detecting unit. The highlight index storage unit 25 corresponds to a means for storing a highlight scene into the storage device. The reproducing management unit 27 corresponds to a reproduction control unit. The analyzing unit 22, the CM start sensing unit 23, the CM end sensing unit 24, and also the reproducing management unit 27 are such functions which can be realized by that the CPU 2 executes a computer program.

Applicants submit that Nakamura discloses a CM start sensing unit corresponding to a CM detecting unit, and a CM start detecting unit. However, Nakamura teaches nothing about storing the storage address of the commercial broadcast information when the commercial broadcast information is detected from the broadcast information.

In the present invention, as shown in Fig. 3, when it is detected that the broadcast data contains commercial portions, information for specifying the areas where the commercial portions are stored in the storage unit is stored.

Thus, Nakamura fails to disclose or render predictable **"wherein when the commercial broadcast information is detected from the broadcast information, a storage address of the commercial broadcast information in the storing means is stored,"** as recited in claim 8.

Furthermore, this deficiency of Nakamura is not cured by the supplemental teaching of Daniels or Baji or Boylan or Dustin or Harville.

Therefore, Applicants submit that independent claim 8 is patentable and respectfully request reconsideration and withdrawal of the rejection.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 8, independent claims 17, 23 and 32 are also patentable, and Applicants thus respectfully request reconsideration of the rejections thereto.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the same reasons. Applicants thereby respectfully request reconsideration and withdrawal of rejections thereto. Because each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

Because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the

Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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